
HOUSE BILL No. 1417

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7-13-5; IC 5-2-8-2; IC 11-9-2-4; IC 20-12-3.5-2; IC 31-30-1-4; IC 33-28-4-8; IC 35-33-1-1; IC 35-47; IC 35-50-2-13.

Synopsis: Regulation of rifles and shotguns. Prohibits a person from carrying a rifle or shotgun in public after December 31, 2006, unless the person obtains a license to do so from the state police. Provides certain exceptions. Makes the penalties for carrying a rifle or shotgun without a license the same as the penalties for carrying a handgun without a license. Prohibits a person from possessing a rifle or shotgun in a motor vehicle while the vehicle is in operation on a public highway or the vehicle is located on the right-of-way of a public highway unless the rifle or shotgun is: (1) unloaded; and (2) contained in the locked trunk of the motor vehicle or, if the motor vehicle is not equipped with a trunk, a locked case, or other secure container.

Effective: July 1, 2006.

Mays, Day

January 12, 2006, read first time and referred to Committee on Public Safety and Homeland Security.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1417

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-7-13-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person described in section
3 4 of this chapter who is otherwise qualified to register under this article
4 is eligible to register when the person is no longer:

5 (1) imprisoned; or

6 (2) otherwise subject to lawful detention.

7 (b) Notwithstanding IC 35-47-2, IC 35-47-2.5, **IC 35-47-2.8**, or the
8 restoration of the right to vote under this section and except as provided
9 in subsections (c), (d), and (g), a person who has been convicted of a
10 crime of domestic violence (as defined in IC 35-41-1-6.3) may not
11 possess a firearm upon the person's release from imprisonment or
12 lawful detention.

13 (c) Not earlier than five (5) years after the date of conviction, a
14 person who has been convicted of a crime of domestic violence (as
15 defined in IC 35-41-1-6.3) may petition the court for restoration of the
16 person's right to possess a firearm. In determining whether to restore
17 the person's right to possess a firearm, the court shall consider the



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following factors:

- (1) Whether the person has been subject to:
 - (A) a protective order;
 - (B) a no contact order;
 - (C) a workplace violence restraining order; or
 - (D) any other court order that prohibits the person from possessing a firearm.
- (2) Whether the person has successfully completed a substance abuse program, if applicable.
- (3) Whether the person has successfully completed a parenting class, if applicable.
- (4) Whether the person still presents a threat to the victim of the crime.
- (5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to complete a specified condition under subsection (d) or whether the person has committed a subsequent offense.

(d) The court may condition the restoration of a person's right to possess a firearm upon the person's completion of specified conditions.

(e) If the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent petition until one (1) year has elapsed.

(f) A person has not been convicted of a crime of domestic violence for purposes of subsection (c) if the conviction has been expunged or if the person has been pardoned.

(g) The right to possess a firearm shall be restored to a person whose conviction is reversed on appeal or on post-conviction review at the earlier of the following:

- (1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.
- (2) Ninety (90) days after the final disposition of the appeal or the post-conviction proceeding.

SECTION 2. IC 5-2-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this section:

"Abuse" has the meaning set forth in section 1(a) of this chapter.

"City or town law enforcement agency" includes university police officers appointed under IC 20-12-3.5.

(b) There is established in each city and in each town with a city or town court a local law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-4 and fees collected under IC 9-29-4-2, IC 9-29-11-1, ~~and~~ IC 35-47-2-3, **and IC 35-47-2.8-5.**

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(c) A city or town law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the local law enforcement continuing education fund.

(d) Distribution of money in a local law enforcement continuing education fund shall be made to a city or town law enforcement agency without the necessity of first obtaining an appropriation from the fiscal body of the city or town.

(e) To make a claim under IC 33-37-8-4 a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(f) A city or town law enforcement agency shall provide to each law enforcement officer employed by the city or town law enforcement agency continuing education concerning the following:

- (1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
- (2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.
- (3) Techniques for handling incidents of abuse that:
 - (A) minimize the likelihood of injury to the law enforcement officer; and
 - (B) promote the safety of a victim.
- (4) Information about the nature and extent of abuse.
- (5) Information about the legal rights of and remedies available to victims of abuse.
- (6) How to document and collect evidence in an abuse case.
- (7) The legal consequences of abuse.
- (8) The impact on children of law enforcement intervention in abuse cases.
- (9) Services and facilities available to victims of abuse and abusers.
- (10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.
- (11) Policies concerning arrest or release of suspects in abuse cases.
- (12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.
- (13) Landlord-tenant concerns in abuse cases.
- (14) The taking of an abused child into protective custody.
- (15) Assessment of a situation in which the child may be seriously

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endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(g) A city or town law enforcement agency may enter into an agreement with other county, city, or town law enforcement agencies to provide the continuing education required by this section and section 1(h) of this chapter.

SECTION 3. IC 11-9-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The governor may issue a pardon that conditions the removal of all disabilities applicable to holding:

(1) a handgun permit or other license issued under IC 35-47-2; **or**

(2) after December 31, 2006, a rifle or shotgun license issued under IC 35-47-2.8;

upon a determination by the superintendent of state police that circumstances have changed to such an extent since the pardoned conviction was entered that the applicant for the permit or license is likely to handle handguns **or rifles and shotguns** in compliance with the law.

SECTION 4. IC 20-12-3.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Police officers appointed under this chapter have general police powers including the power to arrest, without process, all persons who within their view commit any offense. They have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the employing governing board; however, any powers may be expressly forbidden them by the governing board of the institution employing them. In addition to any other powers or duties, such police officers have the duty to enforce and to assist the officials of their institutions in the enforcement of the rules and regulations of the institution, and to assist and cooperate with other law enforcement agencies and officers.

(b) Such police officers may exercise the powers granted under this section only upon any real property owned or occupied by their institutions, including the streets passing through and adjacent thereto. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.

(c) When an eligible police officer retires after at least twenty (20) years of service, the police officer may retain the officer's service

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1 weapon. The officer is entitled to receive, in recognition of the service
 2 to the department and the public, a badge that indicates that the officer
 3 is retired. Upon retirement, the department shall issue to the police
 4 officer an identification card that states the police officer's name and
 5 rank at retirement, states the officer's retired status, and notes the
 6 officer's authority to retain the service weapon. A police officer
 7 described in this subsection is entitled to a lifetime license to carry:

8 (1) a handgun under IC 35-47-2-3(e); **and**

9 (2) **after December 31, 2006, a rifle or shotgun under**
 10 **IC 35-47-2.8-6(d).**

11 SECTION 5. IC 31-30-1-4 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The juvenile
 13 court does not have jurisdiction over an individual for an alleged
 14 violation of:

15 (1) IC 35-42-1-1 (murder);

16 (2) IC 35-42-3-2 (kidnapping);

17 (3) IC 35-42-4-1 (rape);

18 (4) IC 35-42-4-2 (criminal deviate conduct);

19 (5) IC 35-42-5-1 (robbery) if:

20 (A) the robbery was committed while armed with a deadly
 21 weapon; or

22 (B) the robbery results in bodily injury or serious bodily
 23 injury;

24 (6) IC 35-42-5-2 (carjacking);

25 (7) IC 35-45-9-3 (criminal gang activity);

26 (8) IC 35-45-9-4 (criminal gang intimidation);

27 (9) IC 35-47-2-1 (carrying a handgun without a license);

28 (10) **after December 31, 2006, IC 35-47-2.8-4 (carrying a rifle**
 29 **or shotgun without a license);**

30 ~~(11)~~ (11) IC 35-47-10 (children and firearms);

31 ~~(12)~~ (12) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or

32 ~~(13)~~ (13) any offense that may be joined under IC 35-34-1-9(a)(2)
 33 with any crime listed in subdivisions (1) through ~~(11)~~; (12);

34 if the individual was at least sixteen (16) years of age at the time of the
 35 alleged violation.

36 (b) The juvenile court does not have jurisdiction for an alleged
 37 violation of manufacturing or dealing in cocaine, a narcotic drug, or
 38 methamphetamine (IC 35-48-4-1), dealing in a schedule I, II, or III
 39 controlled substance (IC 35-48-4-2), or dealing in a schedule IV
 40 controlled substance (IC 35-48-4-3), if:

41 (1) the individual has a prior unrelated conviction under
 42 IC 35-48-4-1, IC 35-48-4-2, or IC 35-48-4-3; or

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(2) the individual has a prior unrelated juvenile adjudication that, if committed by an adult, would be a crime under IC 35-48-4-1, IC 35-48-4-2, or IC 35-48-4-3; and the individual was at least sixteen (16) years of age at the time of the alleged violation.

(c) Once an individual described in subsection (a) has been charged with any crime listed in subsection (a)(1) through ~~(a)(15)~~, **(a)(13)**, the court having adult criminal jurisdiction shall retain jurisdiction over the case even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court.

SECTION 6. IC 33-28-4-8, AS AMENDED BY P.L.1-2005, SECTION 216, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A person shall be excused from acting as a juror if the person:

- (1) is at least sixty-five (65) years of age;
- (2) is a member in active service of the armed forces of the United States;
- (3) is an elected or appointed official of the executive, legislative, or judicial branches of government of:
 - (A) the United States;
 - (B) Indiana; or
 - (C) a unit of local government;
 who is actively engaged in the performance of the person's official duties;
- (4) is a member of the general assembly who makes the request to be excused before being sworn as a juror;
- (5) is an honorary military staff officer appointed by the governor under IC 10-16-2-5;
- (6) is an officer or enlisted person of the guard reserve forces authorized by the governor under IC 10-16-8;
- (7) is a veterinarian licensed under IC 15-5-1.1;
- (8) is serving as a member of the board of school commissioners of the city of Indianapolis under IC 20-25-3-3;
- (9) is a dentist licensed under IC 25-14-1;
- (10) is a member of a police or fire department or company under IC 36-8-3 or IC 36-8-12; or
- (11) would serve as a juror during a criminal trial and the person is:
 - (A) an employee of the department of correction whose duties require contact with inmates confined in a department of correction facility; or

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(B) the spouse or child of a person described in clause (A);
and desires to be excused for that reason.

(b) A prospective juror is disqualified to serve on a jury if any of the following conditions exist:

(1) The person is not a citizen of the United States, at least eighteen (18) years of age, and a resident of the county.

(2) The person is unable to read, speak, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily a juror qualification form.

(3) The person is incapable of rendering satisfactory jury service due to physical or mental disability. However, a person claiming this disqualification may be required to submit a physician's or authorized Christian Science practitioner's certificate confirming the disability, and the certifying physician or practitioner is then subject to inquiry by the court at the court's discretion.

(4) The person is under a sentence imposed for an offense.

(5) A guardian has been appointed for the person under IC 29-3 because the person has a mental incapacity.

(6) The person has had rights revoked by reason of a felony conviction and the rights have not been restored.

(c) A person may not serve as a petit juror in any county if the person served as a petit juror in the same county within the previous three hundred sixty-five (365) days. The fact that a person's selection as a juror would violate this subsection is sufficient cause for challenge.

(d) A grand jury, a petit jury, or an individual juror drawn for service in one (1) court may serve in another court of the county, in accordance with orders entered on the record in each of the courts.

(e) The same petit jurors may be used in civil cases and in criminal cases.

(f) A person may not be excluded from jury service on account of race, color, religion, sex, national origin, or economic status.

(g) Notwithstanding IC 35-47-2, IC 35-47-2.5, **IC 35-47-2.8**, or the restoration of the right to serve on a jury under this section and except as provided in subsections (h), (i), and (l), a person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may not possess a firearm:

(1) after the person is no longer under a sentence imposed for an offense; or

(2) after the person has had the person's rights restored following a conviction.

(h) Not earlier than five (5) years after the date of conviction, a

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person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may petition the court for restoration of the person's right to possess a firearm. In determining whether to restore the person's right to possess a firearm, the court shall consider the following factors:

- (1) Whether the person has been subject to:
 - (A) a protective order;
 - (B) a no contact order;
 - (C) a workplace violence restraining order; or
 - (D) any other court order that prohibits the person from possessing a firearm.
- (2) Whether the person has successfully completed a substance abuse program, if applicable.
- (3) Whether the person has successfully completed a parenting class, if applicable.
- (4) Whether the person still presents a threat to the victim of the crime.
- (5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to complete a specified condition under subsection (i) or whether the person has committed a subsequent offense.
 - (i) The court may condition the restoration of a person's right to possess a firearm upon the person's completion of specified conditions.
 - (j) If the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent petition until one (1) year has elapsed.
 - (k) A person has not been convicted of a crime of domestic violence for purposes of subsection (h) if the conviction has been expunged or if the person has been pardoned.
 - (l) The right to possess a firearm shall be restored to a person whose conviction is reversed on appeal or on post-conviction review at the earlier of the following:
 - (1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.
 - (2) Ninety (90) days after the final disposition of the appeal or the post-conviction proceeding.

SECTION 7. IC 35-33-1-1, AS AMENDED BY P.L.50-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

- (1) a warrant commanding that the person be arrested;
- (2) probable cause to believe the person has committed or

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attempted to commit, or is committing or attempting to commit,
a felony;

(3) probable cause to believe the person has violated the
provisions of IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1),
IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4, or IC 9-30-5;

(4) probable cause to believe the person is committing or
attempting to commit a misdemeanor in the officer's presence;

(5) probable cause to believe the person has committed a:

(A) battery resulting in bodily injury under IC 35-42-2-1; or

(B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged
to have direct knowledge of the incident alleging the elements of
the offense of battery to establish probable cause;

(6) probable cause to believe that the person violated
IC 35-46-1-15.1 (invasion of privacy);

(7) probable cause to believe that the person violated:

(A) IC 35-47-2-1 (carrying a handgun without a license); or

(B) IC 35-47-2-22 (counterfeit handgun license); or

**(C) after December 31, 2006, IC 35-47-2.8-4 (carrying a
rifle or shotgun without a license);**

(8) probable cause to believe that the person is violating or has
violated an order issued under IC 35-50-7;

(9) probable cause to believe that the person is violating or has
violated IC 35-47-6-1.1 (undisclosed transport of a dangerous
device); or

(10) probable cause to believe that the person is:

(A) violating or has violated IC 35-45-2-5 (interference with
the reporting of a crime); and

(B) interfering with or preventing the reporting of a crime
involving domestic or family violence (as defined in
IC 34-6-2-34.5).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a
violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the
person's duties;

may act as an officer for the arrest of offenders against the laws of this
state where the person reasonably believes that a felony has been or is
about to be committed or attempted in the person's presence.

SECTION 8. IC 35-47-2.8 IS ADDED TO THE INDIANA CODE
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2006]:

Chapter 2.8. Regulation of Rifles and Shotguns

Sec. 1. (a) This chapter applies after December 31, 2006.

(b) This chapter does not apply to the following:

(1) A firearm not designed to use fixed cartridges or fixed ammunition.

(2) A firearm made before January 1, 1899.

(c) Section 4 of this chapter does not apply to the following:

(1) Marshals.

(2) Sheriffs.

(3) The commissioner of the department of correction or persons authorized by the commissioner in writing to carry firearms.

(4) Judicial officers.

(5) Law enforcement officers.

(6) Members of the armed forces of the United States or of the national guard or organized reserves while the members are on duty.

(7) Regularly enrolled members of any organization authorized to purchase or receive rifles or shotguns from the United States or from this state who are at or are going to or from their place of assembly or target practice.

(8) Employees of the United States authorized to carry rifles or shotguns.

(9) Employees of express companies when engaged in company business.

(10) A person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of the person who possesses, uses, or carries a rifle or shotgun in the usual or ordinary course of that business.

(11) A person while carrying a rifle or shotgun unloaded and in a secure container from the place of purchase to the person's dwelling or fixed place of business, or to a place of repair or back to the person's dwelling or fixed place of business, or in moving from one (1) dwelling or business to another.

Sec. 2. As used in this chapter, "rifle" means a firearm:

(1) designed or adapted to:

(A) be fired from the shoulder; and

(B) use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled

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- bore for each single pull of the trigger; and
- (2) that has:
- (A) a barrel length of at least sixteen (16) inches; and
- (B) an overall length of at least twenty-six (26) inches.

Sec. 3. As used in this chapter, "shotgun" means a firearm:

- (1) designed or adapted to:
- (A) be fired from the shoulder; and
- (B) use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger; and
- (2) that has:
- (A) a barrel length of at least eighteen (18) inches; and
- (B) an overall length of at least twenty-six (26) inches.

Sec. 4. (a) Except as provided in section 1 of this chapter, a person may not carry a rifle or shotgun in any vehicle or on or about the person's body except:

- (1) in the person's dwelling; or
- (2) on the person's property or fixed place of business;
- unless the person possesses a license to carry the rifle or shotgun issued under this chapter.

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Class C felony if:

- (1) the offense is committed:
- (A) on or in school property;
- (B) within one thousand (1,000) feet of school property; or
- (C) on a school bus; or
- (2) the person:
- (A) has a prior conviction of any offense under this subsection; or
- (B) has been convicted of a felony within fifteen (15) years before the date of the offense.

Sec. 5. (a) A person who wishes to obtain a license to carry a rifle or shotgun must apply:

- (1) to the chief of police or corresponding law enforcement officer of the municipality in which the person resides;
- (2) if the:
- (A) municipality does not have an officer described in subdivision (1); or
- (B) person does not reside in a municipality;
- to the sheriff of the county in which the person resides after the person has obtained an application form prescribed by the

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1 superintendent;

2 (3) if the person:

3 (A) is a resident of another state; and

4 (B) has a regular place of business or employment in
5 Indiana;

6 to the sheriff of the county in which the person has a regular
7 place of business or employment; or

8 (4) if the person:

9 (A) is a resident of another state; and

10 (B) does not have a regular place of business or
11 employment in Indiana;

12 to the superintendent's designee.

13 (b) A law enforcement agency that accepts an application for a
14 rifle or shotgun license under subsection (a) shall collect a ten
15 dollar (\$10) application fee. Five dollars (\$5) of the fee shall be
16 refunded if the license is not issued. The fee shall be:

17 (1) deposited into the law enforcement agency's firearms
18 training fund or other appropriate training activities fund;
19 and

20 (2) used by the agency for the purpose of:

21 (A) training law enforcement officers in the proper use of
22 firearms or other law enforcement duties; or

23 (B) purchasing for the law enforcement officers employed
24 by the law enforcement agency firearms, or firearm
25 related equipment, or both.

26 However, if the law enforcement agency that charges a fee under
27 this subsection is a city or town law enforcement agency, the fee
28 shall be deposited in the local law enforcement continuing
29 education fund established under IC 5-2-8-2. The state board of
30 accounts shall establish rules for the proper accounting and
31 expenditure of funds collected under this subsection.

32 (c) The officer to whom an application is made under this
33 chapter shall collect the following information from the person
34 who submits the application:

35 (1) The applicant's name, full address, length of residence in
36 the community, and whether the applicant's residence is
37 located within the limits of any city or town.

38 (2) The applicant's occupation and place of business or
39 employment.

40 (3) Except for minor traffic offenses, the applicant's criminal
41 record, if any, and convictions.

42 (4) The applicant's age, race, sex, nationality, date of birth,

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citizenship, height, weight, build, color of hair, color of eyes, and scars and marks.

(5) Whether the applicant has previously held an Indiana license to carry a handgun or a license to carry a rifle or shotgun and, if so, the serial number of the license and year issued.

(6) Whether a license described in subdivision (5) has ever been suspended or revoked and, if so, the year and reason for the suspension or revocation.

(7) The applicant's reason for desiring a license.

Sec. 6. (a) A law enforcement officer described in section 5(a) of this chapter shall do the following:

(1) Conduct an investigation into the applicant's official records and verify the applicant's character and reputation.

(2) Verify for accuracy the information contained in the application.

(3) Forward the information together with:

(A) the officer's recommendation for approval or disapproval of the application; and

(B) one (1) set of legible and classifiable fingerprints of the applicant;

to the superintendent.

(b) The superintendent may make whatever further investigation the superintendent considers necessary. If disapproval of an application is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(c) If it appears to the superintendent that the applicant:

(1) has a proper reason for carrying a rifle or shotgun;

(2) is of good character and reputation;

(3) is a proper person to be licensed; and

(4) is:

(A) a citizen of the United States; or

(B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license, as described in section 7 of this chapter, to carry a rifle or shotgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years.

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(d) A license issued under this chapter is valid for four (4) years from the date the license is issued. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after at least twenty (20) years of service is valid for the life of the individuals. However, a lifetime license shall be revoked if the license holder does not remain a proper person.

(e) A license to carry a rifle or shotgun may not be issued to a person who:

- (1) has been convicted of a felony;
- (2) has had a license to carry a handgun or a rifle or shotgun suspended, unless the person's license has been reinstated;
- (3) is less than eighteen (18) years of age;
- (4) is less than twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (5) has been arrested for a Class A felony or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a rifle or shotgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed.

(f) The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

Sec. 7. (a) A license to carry a rifle or shotgun must be either qualified or unlimited.

(b) A qualified license shall be issued for hunting and target practice.

(c) An unlimited license shall be issued for the purpose of the protection of life and property.

(d) The superintendent may adopt rules imposing limitations on the use and carrying of rifles or shotguns under a license if a rifle or shotgun is carried by a licensee as a condition of employment.

(e) In addition to the application fee collected under section 5(b) of this chapter, the following fees shall be collected for qualified and unlimited licenses:

- (1) For a qualified license, a fee of five dollars (\$5) shall be collected.

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(2) For an unlimited license, a fee of fifteen dollars (\$15) shall be collected.

The superintendent shall charge a five dollar (\$5) fee for the issuance of a duplicate license to replace a lost or damaged license. Fees collected under this subsection shall be deposited by the superintendent with the treasurer of state.

(f) The following officers of Indiana or the United States who have been honorably retired by a lawfully created pension board or its equivalent after at least twenty (20) years of service or because of a disability are exempt from the payment of fees specified in subsection (e):

- (1) Police officers.
- (2) Sheriffs or their deputies.
- (3) Law enforcement officers.
- (4) Correctional officers.

Sec. 8. (a) An initial application for a license issued under this chapter shall be granted or rejected not more than sixty (60) days after the date the application is filed.

(b) If the application for renewal of an existing license is filed within thirty (30) days after its expiration, the existing license is automatically extended until the superintendent acts on the application for renewal.

Sec. 9. (a) The superintendent may suspend or revoke any license issued under this chapter if the superintendent has reasonable grounds to believe that the license should be suspended or revoked.

(b) Documented evidence that a person is:

- (1) not a proper person to be licensed; or
- (2) is prohibited under section 6(e)(5) of this chapter from being issued a license;

is grounds for immediate suspension or revocation of a license issued under this chapter. However, if a license is suspended or revoked based solely on an arrest under section 6(e)(5) of this chapter, the license shall be reinstated upon the acquittal of the defendant in that case or upon the dismissal of the charges for the specific offense.

(c) A person who knowingly or intentionally fails to promptly return the person's license after written notice of suspension or revocation commits a Class A misdemeanor. The observation of a rifle or shotgun license in the possession of a person whose license issued under this chapter has been suspended or revoked constitutes probable cause for the arrest of that person for

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1 violation of this subsection.

2 (d) The superintendent shall establish rules under IC 4-22-2
3 concerning the procedure for suspending or revoking a person's
4 license.

5 Sec. 10. A person who knowingly or intentionally:

6 (1) gives false information; or

7 (2) offers false evidence of identity;

8 to obtain a license under this chapter to carry a rifle or shotgun
9 commits a Class C felony.

10 Sec. 11. (a) If a person who holds a valid license to carry a rifle
11 or shotgun issued under this chapter changes the person's name or
12 address, the person shall, not later than sixty (60) days after the
13 date of the change, notify the superintendent, in writing, of the
14 person's new name or new address. A person who knowingly or
15 intentionally violates this subsection commits a Class B
16 misdemeanor.

17 (b) The state police department shall indicate the notification
18 requirements of subsection (a) on the application form for a license
19 to carry a rifle or shotgun.

20 Sec. 12. A license to carry a rifle or shotgun issued by another
21 state or a foreign country shall be recognized:

22 (1) according to the terms of the license; and

23 (2) while the person who holds the license is not a resident of
24 Indiana.

25 Sec. 13. (a) A full pardon from the governor of Indiana for:

26 (1) a felony other than a felony that is included in IC 35-42; or

27 (2) a violation of this chapter;

28 removes any disability under this chapter imposed because of that
29 offense if fifteen (15) years have elapsed between the time of the
30 offense and the application for a license under this chapter.

31 (b) A conditional pardon described in IC 11-9-2-4 for:

32 (1) a felony; or

33 (2) a violation of this chapter;

34 removes a disability under this chapter if the superintendent
35 determines after an investigation that circumstances have changed
36 since the pardoned conviction was entered to such an extent that
37 the pardoned person is likely to handle rifles or shotguns in
38 compliance with the law.

39 Sec. 14. (a) In an information or indictment brought for the
40 enforcement of this chapter, it is not necessary to negate any
41 exemption specified under this chapter, or to allege the absence of
42 a license required under this chapter. The burden of proof is on the

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defendant to prove that the defendant:

- (1) is exempt under section 1 of this chapter; or
- (2) has a license as required under this chapter.

(b) Whenever a person who has been arrested or charged with a violation of section 4 of this chapter presents a valid license to the prosecuting attorney or establishes that the person is exempt under section 1 of this chapter:

- (1) a prosecution for a violation of section 4 of this chapter shall be dismissed immediately; and
- (2) all records of an arrest or proceedings following arrest shall be destroyed immediately.

SECTION 9. IC 35-47-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. Transportation of Rifles and Shotguns

Sec. 1. This chapter does not apply to the following:

- (1) Marshals.
- (2) Sheriffs.
- (3) The commissioner of the department of correction or persons authorized by the commissioner in writing to carry firearms.
- (4) Judicial officers.
- (5) Law enforcement officers.
- (6) Members of the armed forces of the United States or of the national guard or organized reserves while the members are on duty.

Sec. 2. As used in this chapter, "public highway" means a street, an alley, a road, a highway, or a thoroughfare in Indiana, including a privately owned business parking lot and drive, that is used by the public or open to use by the public.

Sec. 3. As used in this chapter, "rifle" means a firearm:

- (1) designed or adapted to:
 - (A) be fired from the shoulder; and
 - (B) use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger; and
- (2) that has:
 - (A) a barrel length of at least sixteen (16) inches; and
 - (B) an overall length of at least twenty-six (26) inches.

Sec. 4. As used in this chapter, "shotgun" means a firearm:

- (1) designed or adapted to:
 - (A) be fired from the shoulder; and

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- (B) use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger; and
- (2) that has:
- (A) a barrel length of at least eighteen (18) inches; and
- (B) an overall length of at least twenty-six (26) inches.

Sec. 5. A person may not possess a rifle or shotgun in a motor vehicle while the motor vehicle is in operation on a public highway or while the motor vehicle is located on the right-of-way of a public highway unless the rifle or shotgun is:

- (1) unloaded; and
- (2) contained in:
- (A) the locked trunk of the motor vehicle; or
- (B) if the motor vehicle is not equipped with a trunk, a locked case or other secure container.

Sec. 6. A person who knowingly or intentionally violates this chapter commits a Class C misdemeanor.

SECTION 10. IC 35-50-2-13, AS AMENDED BY P.L.71-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [JANUARY 1, 2007] [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed an offense of dealing in a controlled substance under IC 35-48-4-1 through IC 35-48-4-4 sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person knowingly or intentionally:

- (1) used a firearm; or
- (2) possessed: ~~an~~
- (A) a handgun in violation of IC 35-47-2-1;
- (B) after December 31, 2006, a rifle or shotgun in violation of IC 35-47-2.8-4;**
- ~~(B)~~ **(C) a sawed-off shotgun in violation of IC 35-47-5-4.1; or**
- ~~(C)~~ **(D) a machine gun in violation of IC 35-47-5-8;**
- while committing the offense.

(b) If the person was convicted of the offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(c) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person knowingly or intentionally committed an offense as described in subsection (a), the court may sentence the person to an additional fixed term of imprisonment of not more than

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1 five (5) years, except as follows:
2 (1) If the firearm is a sawed-off shotgun, the court may sentence
3 the person to an additional fixed term of imprisonment of not
4 more than ten (10) years.
5 (2) If the firearm is a machine gun or is equipped with a firearm
6 silencer or firearm muffler, the court may sentence the person to
7 an additional fixed term of imprisonment of not more than twenty
8 (20) years. The additional sentence under this subdivision is in
9 addition to any additional sentence imposed under section 11 of
10 this chapter for use of a firearm in the commission of an offense.

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